



\$~39

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16152/2022 & CM APPL. 50464/2022**

SHOBHITA JOHARI

..... Petitioner

Through: Mr. Gautam Khazanchi with
Mr. Vinayak Chawla, Advocates.
versus

DEPUTY LABOUR COMMISSIONER (SOUTH) & ORS.

..... Respondents

Through: Ms. Rachita Garg, Advocate for
respondent No.1.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

23.11.2022

CM APPL.50463/2022 (exemption)

Exemption allowed subject to all just exceptions.

W.P.(C) 16152/2022

The present writ petition has been filed challenging the order dated 01st July, 2022 whereby the authority under Section 21 (2) of the Delhi Shops & Establishments Act, 1954 allowed the claim of the respondent No.2 and *inter alia* directed Sh. Ajay Sharma-Director, Sh. Praveen Sharma-Director, Ms. Shobita Johri –HOD/School Division, M/s Shriram New Horizons Ltd., now referred to as M/s Shriram Skill and Education Ltd. to pay an amount of Rs.6,84,000/- towards due earned wages by way of demand draft in favour of respondent No.2 with the payment of



compensation amounting to Rs.100/- within 30 days from the issue of this order.

Learned counsel for the petitioner submits that the claim petition was filed by the respondent No.2 only against M/s Shriram New Horizons Ltd., now referred to as M/s Shriram Skill and Education Ltd. Learned counsel further submits that the petitioner was only an employee of M/s Shriram New Horizons Ltd., referred to as M/s Shriram Skill and Education Ltd.

Learned counsel further submits that even the salary of the petitioner was not paid. It has been submitted that inadvertently, the order for payment has been made against the petitioner.

It has further been submitted that at no point of time, the authority has issued any notice to the petitioner.

Issue notice.

Ms. Rachita Garg, learned counsel accepts notice on behalf of the respondent No.1

Issue notice to the respondent Nos.2 to 5 upon filing of PF by the petitioner through all permissible modes, returnable on 3rd March, 2023.

CM APPL.50462/2022 (for interim directions)

An application has been moved seeking an interim relief.

It has been submitted by the learned counsel for the petitioner that as no notice was issued to the petitioner by the authority and without any material on record, the petitioner has been directed to make the payment along with other persons, and, therefore the protection may be granted.

Issue notice.

Ms. Rachita Garg, learned counsel accepts notice on behalf of the



respondent No.1

Issue notice to the respondent Nos.2 to 5 upon filing of PF by the petitioner through all permissible modes, returnable on 3rd March, 2023.

In the meantime, the recovery proceedings qua the petitioner shall not be effected.

DINESH KUMAR SHARMA, J

NOVEMBER 23, 2022
st